

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KERI WOMACK, individually, on
behalf of all wrongful death
beneficiaries, and as the heir and
representative of the Estate of
SAWYER LETCHER

Plaintiff

V.

UNIVERSITY OF TEXAS
MEDICAL BRANCH and TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE

Defendants

Civil Action No.
3:19-cv-000001

**PLAINTIFF’S RESPONSE TO DEFENDANTS’
MOTION TO TRANSFER VENUE**

Exhibit 27

**Excerpts from Dr. Lannette Linthicum, M.D.'s
Deposition**

Lannette Linthicum - 1/13/2016

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA
McCOLLUM, individually, and
STEPHANIE KINGREY,
individually and independent
administrator of the Estate
of LARRY GENE McCOLLUM

PLAINTIFFS

v.

LANNETTE LINTHICUM, JEFF
PRINGLE, RICHARD CLARK,
KAREN TATE, SANDREA SANDERS,
ROBERT FASON, the UNIVERSITY
OF TEXAS MEDICAL BRANCH and
the TEXAS DEPARTMENT OF
CRIMINAL JUSTICE

DEFENDANTS

KEITH COLE, JACKIE BRANNUM,
RICHARD KING, DEAN ANTHONY
MOJICA, RAY WILSON, FRED
WALLACE, and MARVIN RAY
YATES, individually and on
behalf of those similarly
situated,

Plaintiffs,

v.

LANNETTE LINTHICUM, in his
official capacity, ROBERTO
HERRERA, in his official
capacity, and TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE,

Defendants.

CIVIL ACTION NO.
4:14-cv-3253
JURY DEMAND

CIVIL ACTION NO.
4:14-cv-1698

WRIGHT WATSON & ASSOCIATES

1250 South Capital of Texas Highway, Building 3, Suite 400 Austin, Texas 78746 (512) 474-4363

Lannette Linthicum - 1/13/2016

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REPORTER'S CERTIFICATION
DEPOSITION OF LANNETTE LINTHICUM
January 13, 2016
VOLUME 1

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF LANNETTE
LINTHICUM, produced as a witness at the instance of the
Plaintiffs, and duly sworn, was taken in the above-styled and
numbered cause on the 13th day of January, 2016, from 9:18 a.m.
to 3:59 p.m., before Abigail Guerra, CSR, in and for the State
of Texas, reported by machine shorthand, before Honorable Keith
Ellison, at the United States District Courthouse, 515 Rusk,
Houston, Texas, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or attached
hereto.

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Lannette Linthicum - 1/13/2016

A P P E A R A N C E S

FOR THE PLAINTIFF:

STEPHEN McCOLLUM and SANDRA McCOLLUM, individually, and
STEPHANIE KINGREY, individually and independent administrator
of the Estate of LARRY GENE McCOLLUM

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Mr. Scott Medlock
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- and -

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FOR THE DEFENDANT:

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- and -

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Lannette Linthicum - 1/13/2016

A P P E A R A N C E S (cont'd)

FOR UTMB:

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Ms. Shanna Molinare
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- and -

Mr. Graig J. Alvarez
Ms. Kara Stauffer Philbin
FERNELIUS ALVAREZ SIMON, PLLC
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1221 McKinney Street
Suite 3200
Houston, Texas 77010
Phone: (713) 654-1200

ALSO PRESENT:

Mr. Kevin Schaeffer, Videographer
Ms. Jennifer Osteen
Ms. Kamilla L. Stokes
Ms. Ashley Palermo
Ms. Brian M. Sears
Mr. Daniel C. Neuhoff
Ms. Heather Rhea
Ms. Lori K. Erwin
Ms. Glenda Adams
Ms. Ariel Wiley
Mr. Phillip Boyd
Mr. Derek Kammerlacher
Dr. Owen Murray
Judge Keith P. Ellison
Ms. Rebecca Vogel

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Lannette Linthicum - 1/13/2016

1 MS. BURTON: Your Honor, we have some
2 housekeeping issues that with we would like to make for the
3 record.

4 THE COURT: All right. Please go ahead.

5 MS. BURTON: Okay. We're here this morning on
6 all the pending heat cases -- Bailey v. Livingston; Adams, et
7 al; Coldulvey, Livingston, Martone, et al; and Hinojosa, et al.

8 However, Dr. Linthicum, who is the witness this
9 morning, is here in different capacities.

10 THE COURT: Okay.

11 MS. BURTON: She is here as an expert witness in
12 the Bailey case. She is here -- it is our position that she's
13 here as a 30(b)(6) witness. That would be applicable to all
14 the cases because the questions have the scope where they
15 request information on TDCJ generally.

16 THE COURT: Okay.

17 MS. BURTON: She's also here in her individual
18 capacity.

19 THE COURT: Is 30(b)(6) representative for the
20 prison system or for the healthcare provider.

21 MS. BURTON: She is a Texas Department of
22 Criminal Justice employee.

23 THE COURT: All right.

24 MS. BURTON: And she is the director of TDCJ
25 Health Services. So her answers are with regard to this TDCJ

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Lannette Linthicum - 1/13/2016

1 right? That's one of your jobs to know that, right?

2 A. No.

3 Q. Why not?

4 A. Because the healthcare system is a collaborative
5 partnership between the TDCJ and two state university health
6 sciences' center. And then on top of that is the
7 legislatively-established committee called the Correctional
8 Managed Healthcare Committee that acts as board over the
9 healthcare system. The Correctional Managed Healthcare
10 Committee is statutorily empowered to have oversight of the
11 healthcare systems in TDCJ.

12 Q. You're on that committee, right?

13 A. I'm appointed to that committee, I and
14 Mr. Livingston, yes.

15 Q. You're the chairperson of that committee, correct?

16 A. Not correct. The chairperson of the committee is
17 appointed by the governor of the State of Texas, and that
18 person has to be a physician that is not affiliated with either
19 the UTMB, Texas Tech, or TDCJ.

20 Q. Regardless, is it your position that because other
21 entities may be involved in the provision of healthcare in the
22 prison system, that it's not your responsibility to know the
23 numbers of deaths due to hyperthermia inside the prison system?

24 A. I told you the number of deaths that were verified by
25 autopsy findings as the cause of death being hyperthermia.

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Lannette Linthicum - 1/13/2016

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FOR THE SOUTHERN DISTRICT OF TEXAS
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STEPHANIE KINGREY,
individually and independent
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PLAINTIFFS

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WALLACE, and MARVIN RAY
YATES, individually and on
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Plaintiffs,

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LANNETTE LINTHICUM, in his
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Lannette Linthicum - 1/13/2016

* * * * *

REPORTER'S CERTIFICATION
DEPOSITION OF LANNETTE LINTHICUM
January 13, 2016
VOLUME 1

* * * * *

I, ABIGAIL L. GUERRA, Certified Shorthand Reporter,
in and for the State of Texas, hereby certify to the following:

That the witness, LANNETTE LINTHICUM, was duly sworn
by the officer and that the transcript of the oral deposition
is a true record of the testimony given by the witness;

I further certify that pursuant to Federal Rules of
Civil Procedure (30)(e)(1)(A) and (B) as well as Rule
(30)(e)(2) that the signature of the deponent:

I further certify that pursuant to FRCP Rule
30(f)(1) that the signature of the deponent:

X was requested by the deponent or a party before
the completion of the deposition and that signature is to be
before any notary public and returned within 30 days from date
of receipt of the transcript.

If returned, the attached Changes and Signature Page
contains any changes and the reasons therefore:

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Lannette Linthicum - 1/13/2016

1 _____ was not requested by the deponent or a party
2 before the completion of the deposition.

3
4 That \$_____ is the deposition
5 officer's charges for preparing the original deposition
6 transcript and any copies of exhibits, charged to STEPHEN
7 McCOLLUM and SANDRA McCOLLUM, individually, and STEPHANIE
8 KINGREY, individually and independent administrator of the
9 Estate of LARRY GENE McCOLLUM, individually and on behalf of
10 those similarly situated;

11
12 That pursuant to information given to the deposition
13 officer at the time said testimony was taken, the following
14 includes all parties of record:

15 FOR THE PLAINTIFFS:

16 STEPHEN McCOLLUM and SANDRA McCOLLUM, individually, and
17 STEPHANIE KINGREY, individually and independent administrator
of the Estate of LARRY GENE McCOLLUM

18 Mr. Jeff Edwards
19 Mr. Scott Medlock
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21 - and -

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Lannette Linthicum - 1/13/2016

1 FOR THE DEFENDANT:

2 TEXAS DEPARTMENT OF CRIMINAL JUSTICE

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12 FOR THE WITNESS:

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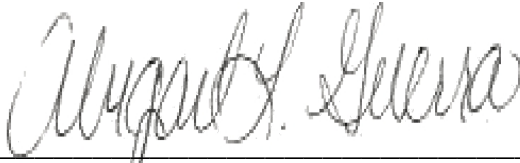
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Lannette Linthicum - 1/13/2016

1
2 I further certify that I am neither attorney, nor
3 counsel for, nor related to, nor employed by any of the parties
4 or attorneys to the action in which this deposition was taken;

5 Further, I am not a relative, nor an employee of any
6 attorney of record in this cause, nor am I financially or
7 otherwise interested in the outcome of the action.

8 Certified to by me this 28th day of January, 2016.
9
10
11

12 

13 ABIGAIL GUERRA, Texas CSR 9059
14 Expiration Date: 12/31/17
15 WRIGHT WATSON & ASSOCIATES
16 Firm Registration No. 225
17 Expiration Date: 12-31-17
18 1250 S. Capital of Texas Highway
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